

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stanislav Sazonov	Team: Squad #9	CCRB Case #: 201409014	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 09/02/2014 6:55 PM	Location of Incident: West 136th Street and Amsterdam Avenue	Precinct: 30	18 Mo. SOL 3/2/2016	EO SOL 3/2/2016	
Date/Time CV Reported Wed, 09/03/2014 9:34 AM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Wed, 09/03/2014 9:34 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Darrel Oneill	02206	939149	NARCBMN
2. POM Christophe Vanweddinger	31124	919808	NARCBMN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Darrel Oneill	Abuse: Det. Darrel Oneill stopped the car in which § 87(2)(b) was an occupant.	
B.POM Christophe Vanweddinger	Abuse: PO Christopher Vanweddinger stopped the car in which § 87(2)(b) was an occupant.	
C.DT3 Darrel Oneill	Force: Det. Darrel Oneill used a chokehold against § 87(2)(b)	
D.DT3 Darrel Oneill	Discourtesy: Det. Darrel Oneill acted rudely toward § 87(2)(b)	
E.DT3 Darrel Oneill	Discourtesy: Det. Darrel Oneill spoke discourteously to § 87(2)(b)	
F.DT3 Darrel Oneill	Abuse: Det. Darrel Oneill threatened to seize § 87(2)(b)'s property.	
G.POM Christophe Vanweddinger	Abuse: PO Christophe Vanweddinger threatened to seize § 87(2)(b)'s property.	
H.POM Christophe Vanweddinger	Discourtesy: PO Christophe Vanweddinger spoke discourteously to § 87(2)(b)	

Case Summary

On September 2, 2014, at approximately 6:55 p.m., § 87(2)(b) drove his black BMW, plate number § 87(2)(b) in the vicinity of West 136th Street and Amsterdam Avenue, in Manhattan. § 87(2)(b) who occupied the front passenger seat, and a female known only as § 87(2)(b) who occupied the back passenger seat, were also present in the vehicle. After § 87(2)(b) passed several double-parked cars, he noticed an unmarked van behind him honking its horn. § 87(2)(b) pulled over and two officers, identified by the investigation as Det. Darrel O'Neill and PO Christopher Vanweddinger, exited the van and approached § 87(2)(b)'s vehicle (**Allegations A and B**). Det. O'Neill opened the door on the driver's side, grabbed § 87(2)(b) by his throat with his right hand and applied pressure to his larynx (**Allegation C**). Approximately four to five seconds later, Det. O'Neill released his grip on § 87(2)(b)'s larynx, took a slice of pizza from § 87(2)(b)'s hand and threw it on the floor of the car (**Allegation D**). Det. O'Neill called § 87(2)(b) "a fucking asshole" and said that he could take § 87(2)(b)'s "fucking car" (**Allegations E and F**). PO Vanweddinger also said that they could take § 87(2)(b)'s "fucking car" (**Allegations G and H**). The officers then left. No summons was issued and no arrest was made. (encl. 4A-4B)

Mediation, Criminal and Civil Histories

- Mediation was not offered because § 87(2)(b) alleged being choked and sought medical treatment at a hospital following the incident. (See Medical Records folder).
- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b), claiming assault, battery, intentional and negligent infliction of emotional distress, violation of Civil Rights under 42 USC 1983 and seeking two million (\$2,000,000) dollars as redress (encl. 16A-16C).
- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]

Civilian and Officer CCRB Histories

- This is the first complaint filed by § 87(2)(b) (encl. 1D).
- Det. O'Neill has been a member of the service for nine years and there are no substantiated CCRB allegations against him (encl. 1A).
- PO Vanweddinger has been a member of the service for seventeen years and has been the subject of two substantiated CCRB allegations (encl. 1B-1C):
 - In CCRB 9900393, allegations of physical force and abuse of authority were substantiated by the Board.

Identification of Subject Officers

§ 87(2)(b) described the vehicle the two officers drove as a dark blue van, plate number § 87(2)(b). The operator of the van was described as a white man in his 40s, approximately 5'1" tall, between 140 and 150 pounds and completely bald. The recorder of the van was described as a white male in his mid-30s, approximately 6'1" to 6'2" tall, about 225 pounds and dark moustache. § 87(2)(b) described the officer who approached § 87(2)(b) as a stocky white male in his mid-40s, approximately 6'0" tall and a completely bald head. The officer who approached § 87(2)(b) side was described as an average built white male in his early 40s and approximately 5'8" tall. The NYPD Fleet Services Division identified the vehicle with plate number § 87(2)(b) as being assigned to Manhattan North Narcotics. PO Christopher

muscle spasms and Ibuprofen for pain. § 87(2)(b) was discharged to self-care in the morning of September 3, 2014. (See Medical Records folder).

Findings and Recommendations

Allegation Not Pleaded

In his telephone statement to the CCRB on September 8, 2014, § 87(2)(b) said that PO Vanweddinger had a gun displayed when he approached his vehicle (encl. 3A). However, in his statement to IAB on September 2, 2014 (encl. 2D-2F), and his in-person interview at the CCRB on September 16, 2014, he did not make such allegation (encl. 4A-4B). § 87(2)(b) who was in the vehicle with § 87(2)(b) stated in his telephone statement to the CCRB on September 8, 2014, that the officers had their guns drawn (encl. 3B), but in his in-person interview at the CCRB, § 87(2)(b) did not make that allegation (encl. 5A-5B). § 87(2)(g)

Allegation A – Abuse of Authority: Det. Darrel O’Neill stopped the vehicle in which § 87(2)(b) was the occupant.

Allegation B – Abuse of Authority: PO Christopher Vanweddinger stopped the vehicle in which § 87(2)(b) was the occupant.

Allegation C – Force: Det. Darrel O’Neill used a chokehold against § 87(2)(b)

Allegation D – Discourtesy: Det. Darrel O’Neill acted rudely toward § 87(2)(b)

Allegation E – Discourtesy: Det. Darrel O’Neill spoke discourteously to § 87(2)(b)

Allegation F – Abuse of Authority: Det. Darrel O’Neill threatened to seize § 87(2)(b) s property.

Allegation G – Abuse of Authority: PO Christopher Vanweddinger threatened to seize § 87(2)(b) s property.

Allegation H – Discourtesy: PO Christopher Vanweddinger spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that he pulled his car over on West 136th Street when a dark blue van behind him, occupied by Det. O’Neill and PO Vanweddinger, sounded its horn. Det. O’Neill exited the van and approached the driver’s door of § 87(2)(b) s car while PO Vanweddinger approached the passenger’s side. Det. O’Neill opened the door, grabbed § 87(2)(b) s throat and put pressure on his larynx. § 87(2)(b) attempted to move and relieve the pressure on his throat. Det. O’Neill then released his grip, threw § 87(2)(b) s slice of pizza on the floor, called him a “fucking ass hole” and threatened to take away § 87(2)(b) s vehicle. § 87(2)(b) also stated that PO Vanweddinger threatened to take away his vehicle and cursed at him.

§ 87(2)(b) who is § 87(2)(b) s friend, corroborated § 87(2)(b) s statement. However, his description of the way Det. O’Neill had allegedly grabbed § 87(2)(b) s neck differed. While § 87(2)(b) described pressure being placed on his throat and larynx, § 87(2)(b) did not see § 87(2)(b) being grabbed by the front of his neck. He stated that Det. O’Neill grabbed the back of § 87(2)(b) s neck and pushed him forward toward the steering wheel, after which he heard § 87(2)(b) coughing and hyperventilating.

From the scene of the incident, § 87(2)(b) went immediately to the 26th Precinct stationhouse, where he filed a complaint about the incident (consistent with his CCRB statement) that was noted in the command log (encl. 12A) and documented in a Civilian Complaint Report (encl. 2A-2C). He then went to § 87(2)(b) where he complained of throat and neck pain due to assault and received treatment. (See Medical Records folder).

Both Det. O'Neill (interviewed less than two months after the incident) and PO Vanweddinger (interviewed less than three months after the incident) denied any recollection of the incident described by § 87(2)(b) and denied recognizing § 87(2)(b) or § 87(2)(b) when shown their photographs. Both officers denied that they stopped § 87(2)(b) used any force against him or made any discourteous remarks or actions toward him.

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g) He provided the CCRB with the license plate number of the van driven by Det. O'Neill and PO Vanweddinger on the date of the incident, and subsequently identified Det. O'Neill (while recognizing PO Vanweddinger) in a photo viewing as the officer with whom he interacted.

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Team: _____

Investigator: _____
Signature Stanislaw A. Sazonov Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date